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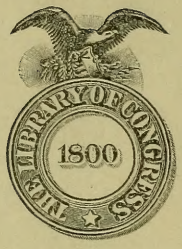

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UNITED STATES DEPARTMENT OF AGRICULTURE

BULLETIN No. 585

Contribution from the Bureau of Animal Industry
A. D. MELVIN, Chief, and the Bureau of
Chemistry, CARL L. ALSBERG, Chief

Washington, D. C. October 18, 1917

A GUIDE FOR FORMULATING A MILK ORDINANCE.

PREPARED IN THE DAIRY DIVISION OF THE BUREAU OF ANIMAL INDUSTRY AND IN THE BUREAU OF CHEMISTRY.

For the proper safeguarding of the milk supply of a community a suitable and enforceable law must first be enacted. In general this law must cover three distinct phases: First, fraud; second, disease; and third, cleanliness in the production and handling of milk. One of the most important considerations must be the reasonableness of the law. A law which works a special hardship on a legitimate industry is not reasonable, and a law so stringent that it can not readily be enforced will defeat its own ends.

A study [1] of the milk ordinances of a great many cities, large and small, shows that there is a great diversity of opinion among the lawmakers and their advisers as to what constitutes a proper milk ordinance. There is certainly a great lack of uniformity among the laws, some of which are entirely out of date. Many of them seem to be transcripts of ordinances in force in other cities, placed in the municipal series of laws without regard to local conditions. Some of them contain provisions which are unnecessary and unreasonable and which can not be enforced.

There has been a constant demand on the Dairy Division of the Bureau of Animal Industry by municipal authorities for some form of milk ordinance which will best meet the requirements necessary to obtain a good, clean, safe milk supply, and which can be used as a guide for local communities.

In a strict sense it is impossible to frame a milk ordinance, with its definitions, standards, and requirements, which will be suitable for all communities. On the other hand, a general skeleton form may be made that can be used as a framework upon which to build a finished, practicable, operative law. No local lawmaking body should attempt to draft a milk ordinance, with its standards, grades, and requirements, unless it is entirely familiar with local dairy and milk conditions, as well as with the purposes and intent of such an ordinance. A special study by competent authority should be made.

[1] Report of the Committee on Statistics of Milk and Cream Regulations of the Official Dairy Instructors' Association, printed in vol. 1, No. 1 (May, 1917), Journal of Dairy Science.

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In that way only can satisfactory standards—chemical, bacteriological, and sanitary—be prescribed.

With those ideas in view, the Bureau of Animal Industry and the Bureau of Chemistry have prepared a form of milk ordinance which, it is believed, if enacted and enforced, would assist the community in providing an instrument for bettering its milk supply.

The ordinance is restricted to the production, handling, and sale of milk and cream as such. It consists of eight sections, taking into consideration definitions, standards, grades, adulterations, the making of regulations, the collection of samples, and penalties.

A special feature of the ordinance is the grading of milk and cream. It is believed that grading is necessary and is of paramount importance. One of the great sanitary and economic questions will be solved if practical grading of milk, with the consequent grading of selling price, can be enforced. Three grades are considered—"Certified," grade A, and grade B. Pasteurization is compulsory for grade B, but optional for the others. Grades A and B represent the largest quantities of milk sold. No definite general score or bacterial requirements can be made to cover all conditions. Some communities long under competent health jurisdiction, can enact and enforce more stringent laws than other communities not so fortunate. The health department must determine from its own experience the score and bacterial count for grades A and B. Grade A must be of such quality that there will be no question as to its purity and safety. Grade B can be of lower grade than A, because pasteurization is obligatory. No grade below that of B is recognized.

Another item of special importance is the provision which gives health authorities the right to make regulations for the further proper enforcement of the ordinance. That is a wise provision, as rules or regulations can define more fully and add necessary detail, and can be passed and amended without the difficulty encountered with general lawmaking bodies. The regulations can give details for the issuing of permits, for the examination of herds and milkers for disease, and for the cleanly production and handling of milk. They can not, however, go beyond the scope expressed in the ordinance itself.

It is believed that this draft of an ordinance will prove to be a satisfactory framework upon which the average town or city can build a finished, practicable law, which, if properly enforced, will improve the average milk supply and work toward a desired uniformity of food laws.

FORM OF ORDINANCE.

AN ORDINANCE TO REGULATE THE PRODUCTION AND SALE OF MILK AND CREAM, AND FOR OTHER PURPOSES.

Be it ordained by the ——— *of the city of* ———, That for the purpose and within the meaning of this ordinance, (*a*) "milk" is the lacteal secretion obtained from the complete milking of cows; (*b*) "skimmed milk" is milk from which substantially all of the milk fat has been removed; (*c*) "certified milk" is milk produced and handled in conformity with the "Methods and Standards for the

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Production and Distribution of Certified Milk," adopted by the American Association of Medical Milk Commissions May 1, 1912, and amendments thereto, in effect at the time of production, and certified to by a milk commission constituted in compliance therewith; (*d*) "grade A milk" is milk produced from healthy cows, as determined by the tuberculin test and physical examination within not exceeding one year previously by a qualified veterinarian, from dairies that score not less than —— on the dairy-farm score card in current use at the time by the United States Department of Agriculture, which milk shall not, at any time, contain more than ——— bacteria per cubic centimeter; (*e*) "grade B milk" is milk produced from healthy cows, as determined by physical examination within not exceeding one year previously by a qualified veterinarian, from dairies that score not less than —— on the dairy-farm score card in current use at the time by the United States Department of Agriculture, which milk shall not, at any time, contain more than ——— bacteria per cubic centimeter; (*f*) "pasteurized milk" is milk which has been heated to, and for at least 30 minutes held at, a temperature of approximately 145, never less than 142, degrees Fahrenheit; (*g*) "cream" is that portion of the milk, rich in milk fat, which rises to the surface of the milk on standing, or is separated from it by centrifugal force, and containing not less than —— per cent of milk fat; (*h*) "homogenized," or "emulsified," milk or cream is milk or cream which has been subjected to the mechanical process of homogenization, or of emulsification, as the case may be; (*i*) "unsterilized containers" are containers which either have not been subjected to moist heat at a temperature as high as 205 degrees Fahrenheit for two minutes or longer, or do not comply with such alternative requirements, to be prescribed by the regulations made pursuant to this ordinance, as may be necessary to effect sterilization thereof; and (*j*) "person" imports both the plural and the singular, as the case demands, and includes corporations, partnerships, societies, and associations.

When construing and enforcing the provisions of this ordinance, the act, omission, or failure of any officer, agent, or other person acting for or employed by any individual or by any corporation, partnership, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such individual, corporation, partnership, society, or association, as well as that of such officer, agent, or other person.

SEC. 2. That no person shall sell or deliver for consumption as milk or cream or have in his possession with intent to sell or deliver for consumption as milk or cream either—

(*a*) Milk or cream to which water or any foreign substance has been added; or

(*b*) Milk containing less than —— per cent of milk fat or less than —— per cent of solids not fat, or cream containing less than —— per cent of milk fat, unless such milk or cream is plainly and conspicuously labeled "Subnormal," together with a statement showing the actual per cent of milk fat contained therein; or

(*c*) Skimmed milk which has not been pasteurized, or made from pasteurized milk, or which is not labeled "Skimmed Milk"; or

(*d*) Milk or cream containing, or which has been exposed to, any disease-producing bacteria; or

(*e*) Milk or cream the container of which is labeled or branded so as to mislead or deceive the purchaser; or

(*f*) Milk or cream produced from diseased cows, or from cows during the period of 15 days preceding parturition or within such time thereafter as the

milk is abnormal, or from cows which have been fed unwholesome food or have had access to contaminated water; or

(*g*) Milk or cream which falls below the requirements of grade B, as defined herein, or milk or cream which has been produced, stored, handled, or transported in any unclean or insanitary manner; or

(*h*) Milk or cream the retail, or the final, container of which does not bear a plain and conspicuous statement showing the kind and grade as herein defined; or

(*i*) Milk or cream in unsterilized containers; or

(*j*) Milk or cream which such person has kept at a temperature higher than 50 degrees Fahrenheit; or

(*k*) Grade B milk which has not been pasteurized; or

(*l*) Homogenized milk or cream, or emulsified milk or cream, unless it is plainly and conspicuously labeled "Homogenized," or "Emulsified," as the case may be; or

(*m*) Milk which has had the cream line increased by any artificial means.

SEC. 3. That nothing in this ordinance shall be construed to prohibit the sale, when labeled so as to show its true character, of either (*a*) sour milk or sour cream; or (*b*) buttermilk, or any similar product made from pasteurized milk or cream; or (*c*) modified milk if made from milk or cream equal at least to grade B.

SEC. 4. That no person shall sell or deliver, or have in his possession with intent to sell or deliver, for consumption as milk or cream, any milk or cream without a permit from the board of health of ———.

SEC. 5. That the board of health of ——— is authorized to make such regulations, from time to time, as are necessary for the efficient execution of the provisions of this ordinance, and to issue permits to sell and deliver milk or cream in ———. The board of health, after affording the permittee an opportunity for a hearing, may suspend or revoke any permit issued by it under this ordinance whenever it shall determine that the permittee has violated any of the provisions of this ordinance or of the regulations made hereunder, and, without affording such opportunity, may suspend such a permit temporarily whenever it deems necessary.

SEC. 6. That the board of health of ———, its members, officers, and agents, shall, at all reasonable times, have access to any dairy or any other place where milk or cream is produced for sale; to any wagon, truck, train, car, warehouse, or station in which milk or cream for sale is being transported or is being held for transportation or delivery; and to all establishments, plants, depots, or stores where milk or cream is kept or stored for sale. Any person who hinders or prevents such access shall be guilty of a violation of this ordinance.

SEC. 7. That any producer, handler, or seller of milk, or cream, whether principal, agent, or employee, who, on demand, refuses to sell or deliver a sample, not to exceed one pint, of milk or cream in his possession to any official designated by the board of health to collect samples, shall be guilty of a violation of this ordinance.

SEC. 8. That any person violating any of the provisions of this ordinance shall, on conviction by any court of competent jurisdiction, be punished by a fine of not more than ——— dollars, or by imprisonment of not more than ———, or by both such fine and imprisonment, in the discretion of the court; and for each subsequent offense, and conviction thereof, shall be punished by a fine of not more than ——— dollars, or by imprisonment of not more than ———, or by both such fine and imprisonment, in the discretion of the court.

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